

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FALKEN INDUSTRIES, LTD.
and
ROY JANIS
Plaintiffs

v.

CHRISTIAN JOHANSEN
and
PATRICK SAUTIN
Defendants

Civil Action No. 04-12479 MEL

SCANNED

DATE: 12/15/04

BY: DH

PLAINTIFFS' OPPOSITION TO DEFENDANTS' NOTICE OF REMOVAL AND
REQUEST TO REMAND TO THE STATE COURT

Now come the Plaintiffs, Falken Industries, LTD (hereinafter "Falken") and Roy Janis, and respectfully request this honorable Court to REMAND this action back to the state court as there is not complete diversity among the parties to the within matter as required under 28 U.S.C. 1332. The Defendant, Patrick Sautin is a "stateless" United States citizen thus destroying diversity. The Defendants have filed a Notice of Removal pursuant to 28 U.S.C. §1441 based on diversity jurisdiction under 28 U.S.C. §1332. In support thereof, the Plaintiffs refer to the Memorandum in support of the within motion.

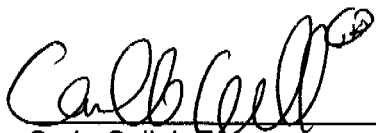
Request for Oral Argument

The Plaintiffs believe that oral argument may assist this honorable Court and hereby request a hearing on this Motion pursuant to Local Rule 7.1(d).

WHEREFORE, The Plaintiffs Falken and Janis respectfully request the Court to enter an ORDER which remands the within action back to the State court and assesses all costs of bringing this motion against the Defendants.

The Plaintiffs
FALKEN INDUSTRIES, LTD.
and
ROY JANIS

By their attorney

A handwritten signature in dark ink, appearing to read 'Carlo Cellai', is written over a horizontal line.

Carlo Cellai, Esq.
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